

## **Joint Department of State/Department of Homeland Security Report: Status of the Iraqi Special Immigrant Visa (SIV) Program**

### **Introduction**

The Department of State (State), Department of Homeland Security (DHS), and all other U.S. government departments and agencies involved in the U.S. SIV program have the highest respect for the men and women who take enormous risks in assisting our military and civilian personnel. We are committed to helping those who have helped us. The U.S. government has devoted resources to reducing the amount of time required to complete the SIV process, authorized under section 1244 of the National Defense Authorization Act for FY 2008, as amended, and we continue to strive for even greater improvements.

As of July 29, 2014, State has issued in this fiscal year more than 1,200 SIVs to Iraqis who were employed by or on behalf of the U.S. government in Iraq, and their family members. This decrease in SIV issuances, as compared to FY 2013, is the result of the multi-agency effort in the second half of FY 2013 that ensured all approvable Iraqi principal applicants were issued visas before the program ended temporarily on September 30, 2013. A total of 3,550 Iraqi principal applicants and their family members were issued SIVs in FY 2013. The Department of State's authority to issue SIVs to Iraqi nationals under this program was subsequently extended through the National Defense Authorization Act for FY 2014 which allocated 2,500 visas for Iraqi principal applicants as of January 1, 2014. This program will end when all visas have been issued. SIV issuance numbers through the third quarter of FY 2014 are available on [travel.state.gov](http://travel.state.gov).

### **Average Wait Times for Each Step of the SIV Application Process**

All steps in the SIV application process are outlined below and include the current average processing time spent by all U.S. government entities. This captures total U.S. government processing time, beginning with the applicant's initial submission of documents to the National Visa Center (NVC) and ending with the date of visa issuance at Embassy Baghdad. The figure does not capture those steps in the SIV process that are solely dependent on the applicant's initiative and outside the control of U.S. government entities. SIV applications move through 14 steps in these four stages: Chief of Mission (COM) Application Process, Form I-360 (Petition for Amerasian, Widow(er), or Special Immigrant) Adjudication, Visa Interview, and Visa Issuance.

### SIV Processing Steps\*\*\*\*

Stage	Step		Current average processing times for Iraqi cases applying in Baghdad (business days)
COM application process	1	Applicant submits COM application package to the Department of State's NVC.	applicant-controlled
	2	NVC reviews documents for completeness.	10
	3	NVC sends completed COM package to U.S. Embassy Baghdad.	1
	4	U.S. Embassy Baghdad reviews COM application and makes a decision to approve or deny.	40 (if all required documents are present)
	5	U.S. Embassy Baghdad advises NVC if COM application is approved. NVC immediately sends approval letter to applicant. If any documents reveal that applicant does not qualify for the program, the COM application is denied.	5
I-360 adjudication process	6	Applicant self-petitions to the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) using Form I-360.	applicant-controlled
	7*	USCIS adjudicates petition and sends to NVC if approved.	15
Visa Interview Process	8	NVC sends instruction packet to applicant requesting standard immigrant visa documentation.	10
	9	Applicant submits required documentation to NVC.	applicant-controlled
	10	NVC reviews documents for completeness.	10
	11	U.S. Embassy Baghdad schedules applicant for next available interview at U.S. Embassy Baghdad.	20
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	1
	13**	The applicant's case undergoes administrative processing.	146

Visa Issuance to eligible applicants	14	Upon completion of administrative processing, visa is issued if applicant is eligible. In some cases, the passport or medical exam will have expired and require renewal by the applicant.	applicant-controlled
		<b>Total U.S. government processing time***</b>	<b>258</b>
*based on NVC data			
**Line 13 totals include data for all cases issued as of July 15, 2014. Processing time for cases that remain pending cannot be calculated without a completion date.			
***U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times.			
****Processing steps are for SQ SIVs.			

## Applications Pending Longer Than Nine Months

Where applicants have acted promptly on each of the applicant-controlled items leading up to step 13, delays in processing that exceed nine months are due to administrative processing. Procedural improvements have resulted in a more efficient administrative processing phase.

## Applications Pending at Each Stage of the SIV Application Process

As of July 18, 2014, the following numbers of Iraqi applicants are pending in one of the application stages:

- There are 1,039 principal applicants who have COM applications pending at State's NVC (Step 1). These applicants have submitted some, but not all, of the documents required to apply for COM approval. COM applications with all required documents are sent to Embassy Baghdad within one business day. This figure reflects the number of applicants who have taken action on their applications for COM approval within the past 120 days. COM applications must be complete by September 30, 2014, in order to proceed with SIV processing.
- There are 25 principal applicants who have Form I-360 petitions pending with USCIS (Step 7).

- Seven principal applicants and 18 family members are currently scheduled for visa interviews. Interviews are scheduled approximately 60 days in advance. Applicants utilize this time to gather any remaining documents required for their interviews, undergo medical examinations, and prepare for travel to Baghdad. Four principal applicants and eight family members are waiting to be scheduled for visa interviews. Most Iraqi applicants will be interviewed at Embassy Baghdad since they reside in Iraq. Applicants residing outside of Iraq will be interviewed at the U.S. Embassy or Consulate that processes immigrant visas for their countries of residence (Step 11).
- Applications for 472 principal applicants and 54 family members are undergoing administrative processing (Step 13).

### **Number of SIV Applicants in First Half of FY 2014**

The following chart shows the number of Iraqis who applied for SIVs in the first half of FY 2014 under section 1244 of the National Defense Authorization Act for FY 2008, subsequent to receiving COM approval:

Month	Principal Applicants	Family Members	<b>Total</b>
October	45	103	<b>148</b>
November	152	245	<b>397</b>
December	33	73	<b>106</b>
January	22	48	<b>70</b>
February	29	63	<b>92</b>
March	24	55	<b>79</b>
<b>Total</b>	<b>305</b>	<b>587</b>	<b>892</b>

### **Applications Denied or Pending at Each Stage of the SIV Application Process**

At the end of the first half of FY 2014 on March 31, 2014, the following numbers of applications were denied or pending at one of the application stages:

- Thirteen principal applicants did not qualify to receive COM approval or had their approval revoked in the first half of FY 2014 by the COM designee at

Embassy Baghdad. These applicants were able to appeal the denials. Of those who appealed, approximately 25 percent were subsequently approved.

- Nineteen principal applicants had their Form I-360 petitions denied by USCIS.
- There were 143 principal applicants and 312 family members who were scheduled for visa interviews. There were 45 principal applicants and 121 family members who were waiting to be scheduled for visa interviews.
- Applications for 487 principal applicants and 92 family members were undergoing administrative processing.

### **Reasons for COM Denial**

As reflected in denial letters sent by the COM designee at Embassy Baghdad, denial of a COM application generally occurs for one or more of the following four reasons:

- Failure to establish employment by or on behalf of the U.S. government. The Department of State has considered the employment requirement satisfied in the case of an alien hired under a direct-hire appointment or the employing agency's personal services agreement (PSA) or personal services contract (PSC) authority. State also has considered Iraqi nationals hired by and paid through a U.S. government contractor or subcontractor to meet the broader criteria for employment "by or on behalf of" the U.S. government. State has not considered the 1244 requirement to be "employed by or on behalf of the United States government" satisfied in other situations such as individuals working as an employee of an entity funded by a grant or cooperative agreement with the U.S. government, or self-employed businesspersons who operate under a license with the U.S. government.
- Failure to establish at least one year of employment by or on behalf of the U.S. government between March 20, 2003, and September 30, 2013.
- Failure to establish that the applicant provided faithful and valuable service to the U.S. government. Individuals whose applications are denied for this reason generally have not obtained the requisite positive recommendation

or evaluation. In some instances, employment by or on behalf of the U.S. government was terminated for cause.

- Derogatory information associated with the applicant that is incompatible with the requirements of the SIV program. This reason for denial generally relates to information that the applicant engaged in an unlawful, unethical, criminal, or terrorism-related activity.

Prior to enactment of the National Defense Authorization Act (NDAA) for FY 2014 on December 26, 2013, the burden of establishing that an applicant had experienced or was experiencing an ongoing serious threat as a consequence of employment by or on behalf of the U.S. government rested solely with the applicant. The NDAA authorized consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S. government.